



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: November 13, 2006
Comment Deadline: December 12, 2006
Corps Action ID #: SAW-2006-40176-016

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicants: National Park Service
Cape Lookout National Seashore
131 Charles Street
Harkers Island, North Carolina 28531

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

Location

The National Park Service (NPS), Cape Lookout National Seashore (CLNS), Park Headquarters is located at the southeastern end of Harkers Island, Carteret County, North Carolina. The location of the project site is along the shoreline of the NPS/CLNS Park Headquarters property. For illustration of the project location, refer to Figure 1, Location Map; Figure 2., Site Location Map; and Figure 3., Project Location Map attached to this public notice.

Applicant's Stated Purpose

The shoreline of the NPS/CLNS Park Headquarters property has been experiencing severe and persistent erosion for many years, primarily due to the effects of wave action with occasional inundation at high tide and, to a lesser extent, wake from boat traffic. As a result, there has been significant and continuing loss of high ground property and damage to structures along the shoreline. The rate of erosion also presents an imminent threat to structures and other park facilities in the vicinity of the shoreline. The goal of the proposed action is to effectively and economically stabilize the shoreline to prevent further erosion, while maintaining as natural a shoreline appearance as possible.

The purpose of and need for taking action is to evaluate and implement strategies to protect the facilities at Cape Lookout National Seashore's administrative site on Harkers Island and prevent adverse effects to protected species, while allowing for appropriate recreational use, as directed in the park enabling legislation, NPS management policies, the Endangered Species Act (ESA), and other applicable laws and mandates.

Project Description

The proposed project consists of construction of an offshore sill, bulkhead and repair of an existing bulkhead within three project reaches as shown in Figure 4 and Figure 5 (attached).

Offshore Sill. This alternative would involve the construction of an offshore stone sill of trapezoidal cross-section. The sill would be located in Reaches 1 and 3. The stone would be North Carolina Department of Transportation (NCDOT) class 2 riprap, a dense stone up to 24 inches in size, laid over geotextile fabric. The sill is designed to be adjacent to submerged aquatic vegetation (SAV) beds without directly impacting any SAV beds. The sill would lie one to two feet below mean sea level in water shoreward of all SAV beds, and waterward of existing emergent marsh vegetation to the extent possible. Its position, approximately 30 to 60 feet offshore, would allow development of additional marsh vegetation in viable portions of the shallows between sill and shoreline. Marshgrass would be planted along the water's edge in these reaches to the extent feasible. The top of the sill would be positioned approximately one foot above ordinary high water, and openings would be incorporated for circulation to maintain water quality, for cross-movement of aquatic organisms, and at the existing beach in Reach 3, for boat and beach access.

Bulkhead and Boat Ramp Repair. This alternative would include repair and replacement of existing bulkheads in Reach 2. Repair would include excavation behind portions of the existing bulkhead to inspect and repair any holes, placement of a stone filter layer and filter fabric, and construction of concrete splash protection along the top of the wall. This alternative would also involve replacement of portions of existing bulkheads which are failing, as well as other selected portions not failing, but where the new system is desired. The replacement structure would be a vinyl sheet pile system placed just outside the existing bulkheads. Appropriate founding of this system would be determined based on a new subsurface investigation. The existing boat ramp, which is in disrepair, would also be replaced with a new concrete ramp about 20' wide. The adjacent bulkhead would be extended since the new ramp would be narrower than the existing one. This alternative would also include construction of a breakwater extension at the outer opening of the basin entrance. This would allow the entrance channel to be widened by removing the high-ground peninsula adjacent to the channel.

Construction of the proposed project will permanently impact 0.05 acres of jurisdictional wetlands. The sill footprint would cover approximately 1.21 acres of bottom in Reach 1 waters and 0.57 acre in Reach 3. The new breakwater extension footprint in Reach 2

would cover approximately 1800 square feet (0.04 acre) of bottom in open waters. The sill footprint would lie shoreward of all submerged aquatic vegetation (SAV) beds and avoid any SAV impacts. The applicant is not proposing to mitigate for the impacts associated with the proposed project.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with the appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by December 5, 2006.

The applicant has certified that the proposed work complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps is, by this notice, forwarding this certification to the North Carolina Division of Coastal Management (NCDCM) and requesting its concurrence or objection. Generally, the Corps will not issue a Department of the Army (DA) permit until the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project may adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service. These impacts to EFH include destruction of habitat at the fill site, siltation plums, erosion and sedimentation issues, time frame work is performed (fish moratoriums) and water quality issues.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being

eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined there may be species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the

need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, December 12, 2006. Comments should be submitted to Dave Timpy, Project Manager for this project.

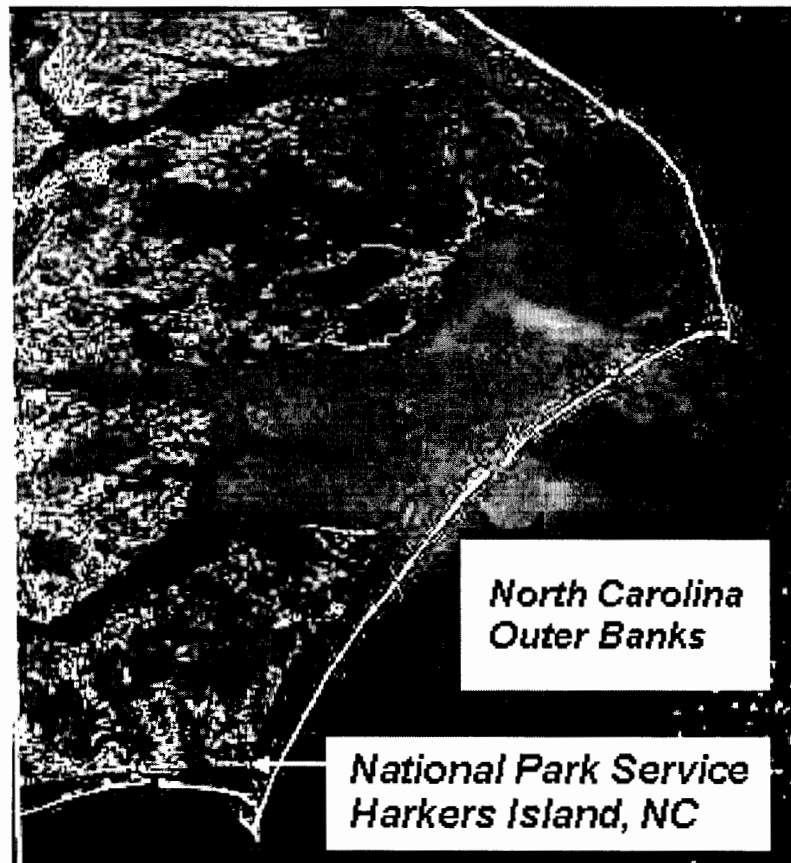


Figure 1. Location Map

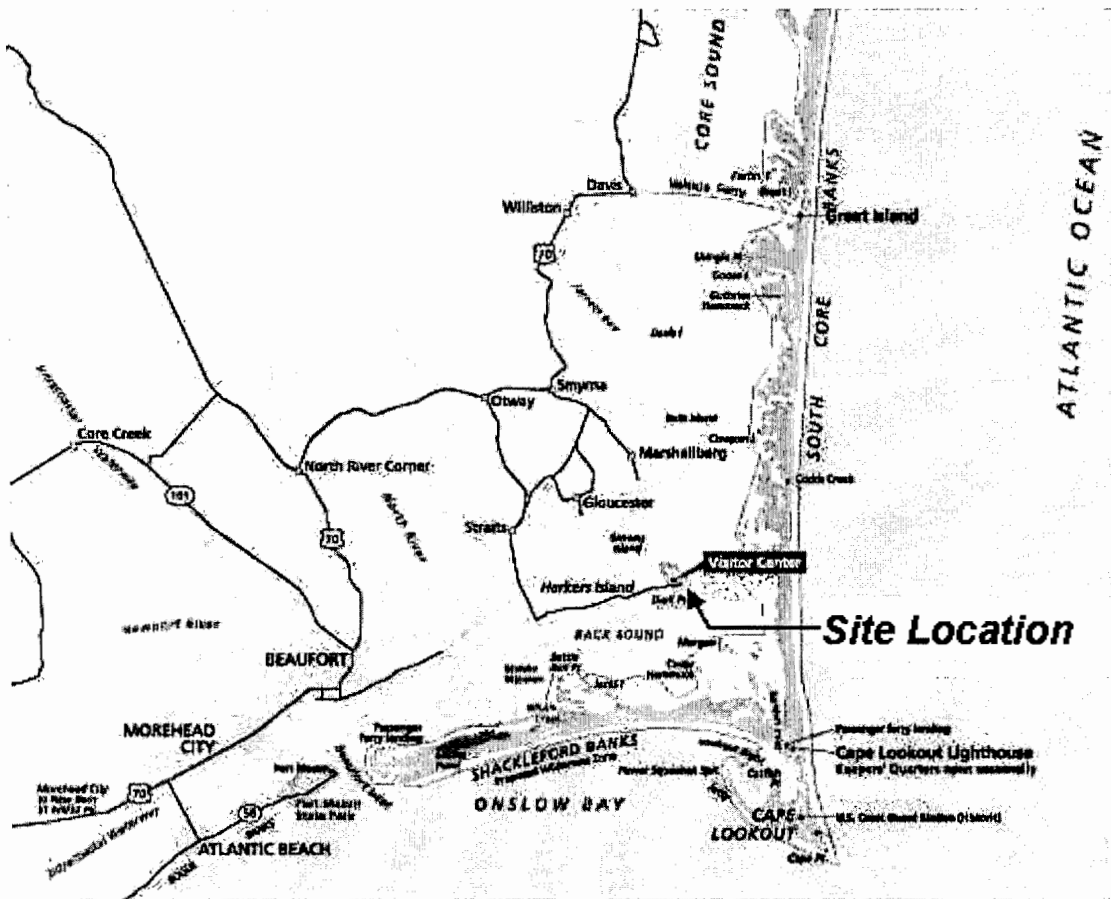


Figure 2. Site Location Map

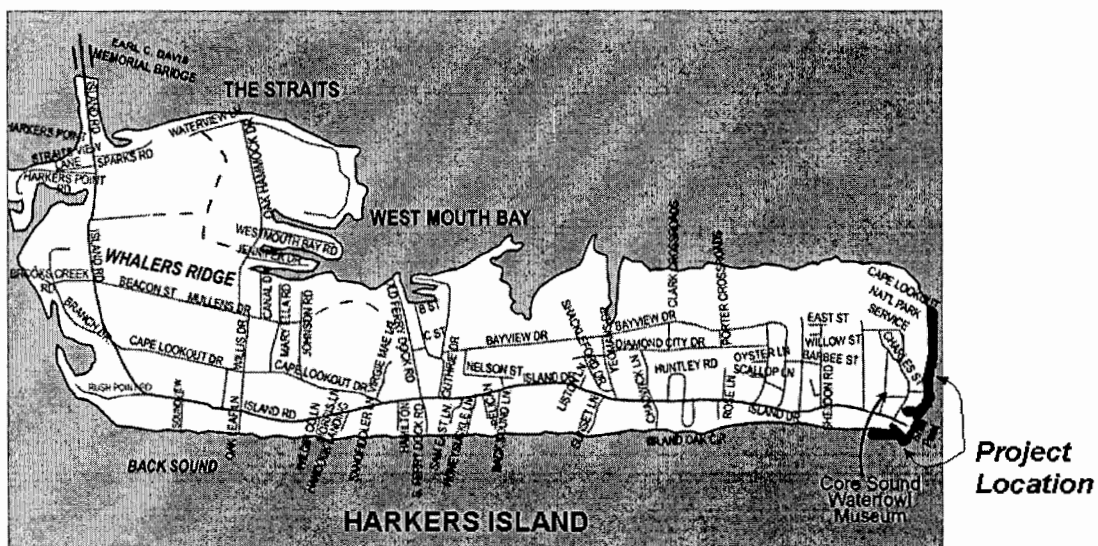


Figure 3. Project Location Map

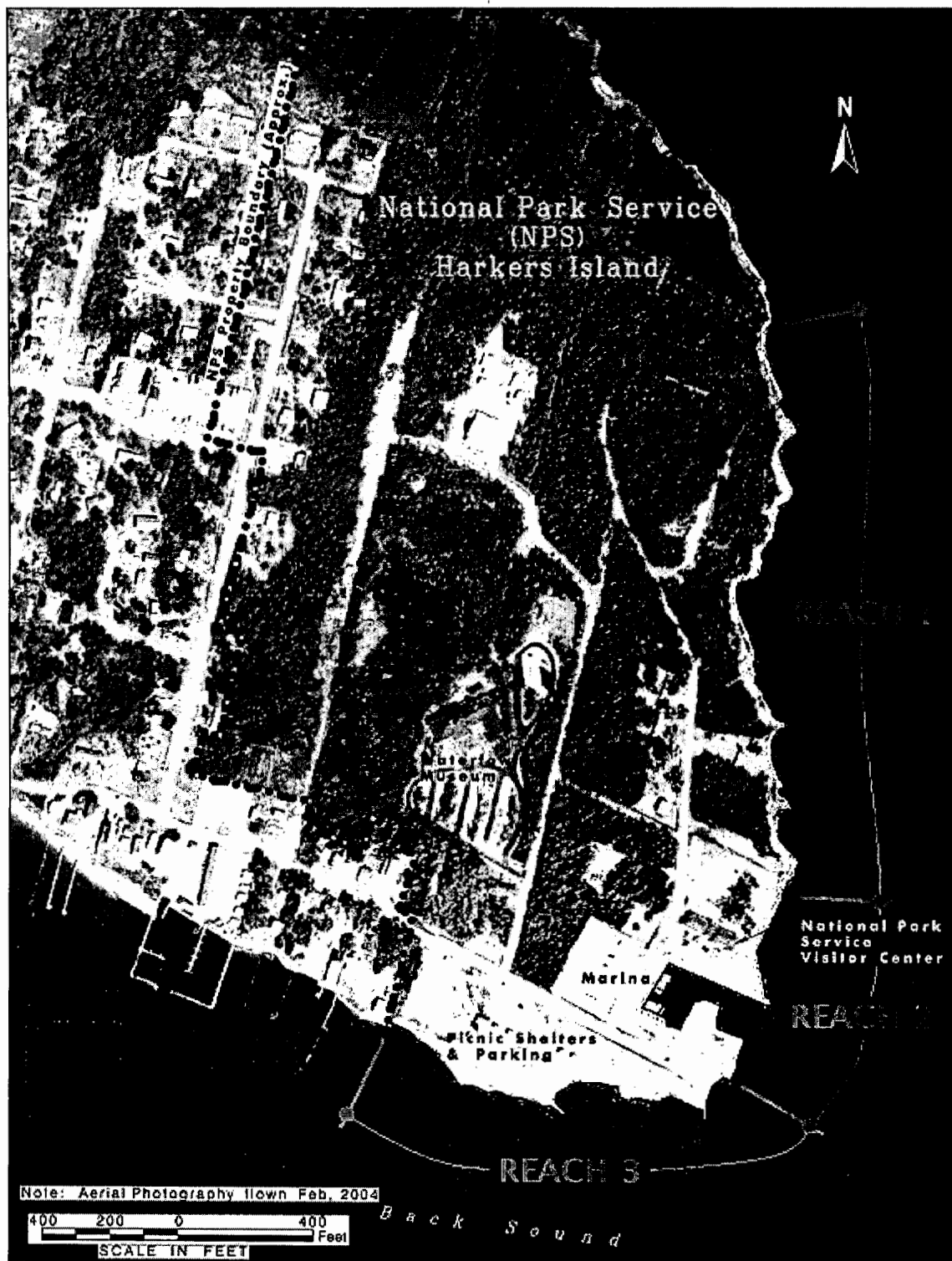


Figure 4. NPS Shoreline Reaches, Harkers Island

